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10 Attorneys for Ke Aloha Holdings, LLC

11  
12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 JAMES W. PENGILLY, a Nevada resident,  
15  
16 Plaintiff,  
17  
18 v.

19 NEVADA ASSOCIATION SERVICES,  
20 INC., a Nevada corporation; MARK A.  
21 STUHMER, a Nevada resident; DOUGLAS  
22 L. CROOK, a Nevada resident; BILL  
23 BLANCHARD, a Nevada resident;  
24 KENNETH R. SAILLEY, a Nevada  
25 resident; ERIKA GEISER, a Nevada  
26 resident; KE ALOHA HOLDINGS, LLC, a  
27 Nevada Limited Liability Company; DOES I  
28 through X, inclusive; and ROE  
CORPORATIONS I through X inclusive;

Defendant.

2:14-cv-01463-RFB-NJK

(Removed from Eighth Judicial District  
Court, Clark County, Nevada, Case No.  
A-14-695263-C)

**STIPULATION AND ORDER FOR  
PARTIAL RELEASE OF CASH BOND**

1 KE ALOHA HOLDINGS, LLC, a Nevada  
limited liability company,

2 Counterclaimant,

3 v.

4 JAMES W. PENGILLY, an individual;  
5 AMANDA M. PENGILLY, an individual;  
6 JAMES W. PENGILLY and AMANDA M.  
7 PENGILLY, as trustees of the James W.  
8 Pengilly Trust, dated September 22, 2003;  
9 GREEN TREE SERVICING, LLC, a  
10 Delaware limited liability company;  
11 UNITED STATES INTERNAL REVENUE  
SERVICE; BANK OF AMERICA, National  
Association; and any and all other persons  
unknown claiming any right, title, estate, lien  
or interest in the Property adverse to the  
Plaintiff's ownership, or any cloud upon  
Plaintiff's title thereto (DOES 1 through 10,  
inclusive);

12 Counterdefendants.

13 GREEN TREE SERVICING LLC, a  
14 Delaware limited liability company,

15 Counterclaimant and Crossclaimant,

16 v.

17 KE ALOHA HOLDINGS, LLC; NEVADA  
18 ASSOCIATION SERVICES, INC., a  
Nevada Corporation; WEST  
19 CHARLESTON LOFTS OWNERS  
ASSOCIATION, a domestic non-profit  
corporation; and DOES I through X,  
inclusive,

20 Counterdefendants and  
21 Crossdefendants.

22  
23 Ke Aloha Holdings, LLC, a Nevada limited liability company ("Ke Aloha") by and  
24 through its counsel of record, the firm of Greene Infuso, LLP; James W. Pengilly and Amanda M.  
25 Pengilly ("Pengilly") by and through their counsel of record, Pengilly Law Firm; Green Tree  
26 Servicing, LLC ("Green Tree") by and through its counsel of record, the firm of Brooks Hubley,  
27 LLP; United States Internal Revenue Service ("IRS") by and through the Department of Justice;  
28

1 and Nevada Association Services, Inc., a Nevada corporation, Douglas L. Crook, Erika Geiser,  
2 Mark A. Stuhmer (collectively "HOA Parties"), by and through their counsel of record, the firm of  
3 Leach Johnson Song & Gruchow, hereby stipulate as follows:

4 WHEREAS, the Allerton Park Homeowners Association has a lien against the property at  
5 dispute in this litigation commonly known as 11441 Allerton Park Drive, #411, Las Vegas,  
6 Nevada 89135; APN 164-02-113-031 (the "Property") in the amount of \$4,529.33;

7 WHEREAS, the Allerton Park Homeowners Association, by and through its agent Nevada  
8 Association Services, Inc. recorded a Notice of Foreclosure Sale of the Property on or June 9,  
9 2015;

10 WHEREAS, the Property is set to be sold at public auction on or about August 14, 2015;

11 WHEREAS, on or about July 22, 2015, Pengilly deposited a cash bond with the Court in  
12 the amount of \$10,800.00 in compliance with the Court's July 21, 2015 Order;

13 WHEREAS, the parties wish to avoid the Property being sold at public auction until such  
14 time this litigation can be resolved; and

15 THEREFORE, the parties hereby agree and stipulate to the partial release of the cash bond  
16 in the amount of \$4,529.33 to the Greene Infuso, LLP IOLTA Trust for the fees assessed by to be  
17 paid and to stop the Property from being sold at public auction.

18 Dated: August \_10, 2015.

Dated: August 10, 2015.

19 Greene Infuso, LLP

Pengilly Robbins

20 /s/ Michael V. Infuso

/s/ David M. Gardner

21 Michael V. Infuso, Esq., Nevada Bar No. 7388  
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24 Attorneys for Ke Aloha Holdings, LLC

Attorneys for James W. Pengilly and  
Amanda M. Pengilly

**ORDER**

IT IS HEREBY ORDERED that the Clerk of this Court shall release the cash bond deposited by James W. Pengilly in the amount of \$4,529.33 to Greene Infuso, LLP IOLTA Trust.

IT IS FURTHER ORDERED that upon receipt of the proceeds of the case bond from the Clerk of this Court that Greene Infuso, LLP pay the fees due on the Property to the Allerton Park Homeowners Association in the amount of \$4,529.33.

IT IS FURTHER ORDERED that the Court's Order dated July 21, 2015, shall remain in effect.

DATED this 2nd day of September, 2015.



RICHARD F. BOULWARE, II  
United States District Judge

Submitted by:

Greene Infuso, LLP

/s/ Michael V. Infuso

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